

EXHIBIT 1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

James Sampson, et al.,)	
)	
PLAINTIFFS)	CASE NO. 1:17-cv-658
)	
v.)	Judge Michael R. Barrett
)	
SunCoke Energy, Inc., et al.,)	
)	
DEFENDANTS)	

DECLARATION OF MARY GANNON

I, Mary Gannon, declare as follows:

1. I am over 18 years of age and of sound mind.
2. I have personal knowledge of the information set forth herein.
3. My husband, Brian, and I own property and live at 2737A Back Road, Franklin Furnace, Ohio 45629. We also own the adjacent parcels at 2737E Back Road and 0 Richard Road. In 1998, we moved into a mobile home at 2737E Back Road and purchased this parcel in 2002. In 2007, we purchased 2737A Back Road and 0 Richard Road and moved into our current home toward the end of 2007.
4. The Haverhill coke plant (the Coke Plant) is approximately ¼ mile from my property and is easily visible from my property.
5. The operation of the Coke Plant has interfered with my life and my ability to use and enjoy my property. The Coke Plant has also adversely affected Brian's life.
6. On hundreds of occasions during the past four years, I have watched haze and clouds form over the Coke Plant and watched huge plumes escape from the quench towers and stacks at the Coke Plant. The hazes and clouds vary in color, ranging from black, gray, yellow, blue or white or a combination. When the winds blow toward my property, these hazes, clouds, and plumes blow across Route 52 and onto my property and home.

7. The Coke Plant continues to release these plumes and clouds nearly every day. Also, foul, odorous pollution clouds, are released from the Coke Plant nearly every day. We, and our neighbors, get assaulted by these odors when the winds blow in our direction. These events continue and occur at unpredictable times.
8. Getting caught in these odorous pollution clouds causes me to cough, gag, or feel like I can't breathe. I often wear a mask so I can stand to be outside. The odorous pollution clouds irritate my eyes, sinuses, and throat. I can taste the particles from the odorous pollution clouds. These clouds also cause headaches, nausea, chest pains, and shortness of breath.
9. For the past year, I have often experienced vertigo when I am exposed to odorous pollution clouds from the Coke Plant. I do not have as much energy as I used to and get winded easily. In addition, there have been many times I have woken up in the middle of the night or in the morning with chest pains or feeling nauseous. I still experience these physical impacts even when caught in the clouds for a short period of time, such as when I try to escape them by running into my house or by rushing around the house to close the windows.
10. Brian's current job, which he started about 3 years ago, has increased the amount of time he is home. Over that time, Brian has frequently complained of burning sinuses, headaches, and chest pain after being exposed to odorous pollution clouds.
11. I have smelled Coke Plant odors at all hours of the day and night. I have smelled the Coke Plant's odors many times at 1 am or 2 am, when I am up seeing Brian off to work. Below are a few example events that illustrate what we experience:
 - a. At approximately 12:17 AM on May 25, 2017, the smell from the Coke Plant was so powerful it woke Brian and me. The odor was coming in through a small open window in the back of the house. When I got up to close the window the smell made me gag. There was rolling smoke and a thick haze over the Coke Plant. It made my eyes itch and gave me heartburn. An hour later at 1:20 am there was still smoke over the plant and my nose would not stop running. At 2:24 AM I headed back to bed; the plant was still stinking. Hours later, around 11:45 AM, Brian drove by the Coke Plant and our house on US 52 and could smell the Coke Plant odor. He could still clearly smell the Coke Plant up to the Greenup Dam, over 2 miles away.

- b. Around 8:35 AM on July 21, 2017 when I stepped out onto my porch, the smell from the Coke Plant forced me back inside. The obnoxious odor gagged me and I felt nauseated.
- c. On the morning of August 4, 2017 at 8:25 AM I noticed the Coke Plant was stinking. When I returned home at 3:00 PM, I saw blue smoke coming from the Coke Plant. It was stinking on and off the rest of the day, causing me to have vertigo-like symptoms. I had bouts of vertigo-like symptoms for the next 5 days, through August 9.
- d. On the morning of September 2, 2017, at approximately 10:56 AM, I was feeding my goats when the Coke Plant started stinking. That afternoon, I was sitting on the couch when I smelled a foul sewage-like odor that got worse when I walked to the kitchen; I headed to the front porch and then outside, and the smell was even stronger. Brian was outside and observed that the smell came from the direction of the Coke Plant. The next morning when Brian got up at 7:00 AM he again observed odors from the Coke Plant.
- e. On September 25, 2017 I noticed the plant was stinking around 8:22 AM. I went back out at 10:48 AM; the plant was still stinking. Both times I was outside the back of my throat felt raw; it was a heavy physical feeling. I had a scratchy dry cough afterward.
- f. On October 15, 2017, the Coke Plant was stinking at 10:20 AM, and I knew we were probably in for a long day. At 2:00 PM I went over to the Sampsons' property; when we walked back outside the Coke Plant was stinking and there was a visible cloud of smoke hovering over and around both of our properties.
- g. On November 28, 2017 around 1:02 PM, I went to let my cat in and the Coke Plant was smoking and stinking. The smoke and odor gave me vertigo-like symptoms. The Coke Plant was still smoking and stinking at 2:55 PM, causing me to have a dry mouth and a headache.
- h. On December 16, 2017, at 11:32 AM, the Coke Plant was smoking top to bottom and smelled just terrible; it was not fit for human or beast to be outside.
- i. On April 3, 2018, the Coke Plant had been stinking all day; when I went outside at 1:30 PM, I became nauseated. The smell caused me to sneeze

and irritated my sinuses and throat. It was still stinking badly at 3:30 PM. I went out just after 4 PM and there was a strong gust of wind; it was stinking really badly. I felt sick to my stomach and my head felt odd like a headache was going to start; the pollution from the Coke Plant was getting in my eyes and mouth. I woke up the next morning with a headache.

- j. Between roughly noon and 1 PM on April 11, 2018 I observed quenching at both ends of the plant, and blue smoke engulfing the Coke Plant. I took the photo in **Attachment A**, which shows blue and white smoke. It was stinking. While standing outside I saw shooting stars in my eyes. At 1:27 PM, I observed blue smoke coming out of the front quench tower; it was stinking really badly.
- k. On April 13, 2018 at approximately 11:23 AM, I observed blue smoke everywhere while the Coke Plant was quenching. It was stinking really badly; I could feel coke particulates in my eyes. Around 1 PM that afternoon, it was sunny and I could see smoke at the back of the Coke Plant, and blue and gray smoke heading over our property and toward the Sampsons' property. I could feel the coke pollutants in my eyes and throat. The Coke Plant was covered with smoke and my eyes were itchy all day.
- l. The next morning, around 10:30 AM on April 14, 2018, the Coke Plant was quenching at the front end of the Coke Plant, closest to my property. I observed blue smoke coming from the Coke Plant; my chest felt raw, my head hurt, my sinuses were screaming and my eyes were itching. The Coke Plant was again quenching at the front end at noon, and there was smoke everywhere.
- m. Around 9:45 AM on May 8, 2018, I observed dark gray smoke coming out right before the Coke Plant did its quenches. It was a calm, sunny day—I observed the Coke Plant stinking between 11:30 AM and noon that day, and again around 10:30 PM. Just after 10:30 PM I observed huge flames in the cloud from the quench tower at the front end of the Coke Plant. It was still stinking around midnight.
- n. On May 26, 2018, it was stinking really badly every time I went outside at approximately 7:21 AM, 8:52 AM, 10:00 AM, 12:15 PM, and from 1:15 PM to 2:00 PM. At 10 AM and again at 1:15 PM, I was next to our pasture with Jim Sampson and his grandson Austin. I saw smoke all over the Coke

Plant and there was black smoke coming from the quench tower. The smoke was so thick in some places, it completely covered some stacks. **Attachment B** is a photograph I took that accurately shows the smoke covering parts of the Coke Plant. The air felt dirty and I could taste the Coke Plant particles and was sneezing uncontrollably.

- o. On the morning of June 3, there was a heavy fog and the coke plant was really stinking. I was outside several times that morning from approximately 7:42 AM to 8:53 AM. The odors gave me a headache for the rest of the day that ranged from mild to severe. The next day, I still had a headache and blurred vision from yesterday's headache.
 - p. On the evening of June 5, 2018 at approximately 8:00 PM I noticed particles in the air; the particles were going to the back of my throat and choking me. I could smell odors from the Coke Plant and noticed that my car was covered in coke waste. I had driven down County Rd. 1A near the Coke Plant earlier that afternoon.
 - q. At approximately 10:30 AM on June 26, 2018, Brian and I took a short walk up Back Road. We noticed a lot of smoke hanging low at the quench tower while they were quenching on the end of the plant closest to us, but we kept on walking down Back Road. We made it to the old Maddox property, but had to turn around because of the stink from the Coke Plant. When we got back home, both of us were really tired and fell asleep on the couch.
12. I have smelled the Coke Plant's odors when the visible clouds, haze, or plumes are blowing towards my property, and I have smelled the Coke Plant's odors during times when I did not see clouds, hazes, or plumes. These odors range from annoying to intolerable and last from 1 minute to 6 hours to all day. Typically, the darker clouds, hazes, and plumes have the foulest odors that cause the more severe symptoms.
13. There is a particular odor that is worse than other odors. I call these particularly horrible odors "green ovens." I can tell when I'm about to get hit with a "green oven" when I see what I call "green oven" pushes. A "green push" releases distinct black and yellowish clouds from the ovens and the quench tower. These clouds roll along the ground and, if the wind is blowing towards my property, roll onto my property. "Green oven" odors are noticeably more pungent than the other Coke Plant odors and cause more severe symptoms.

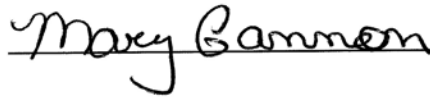
14. In the past few months, I have observed a new chemical stench coming from the Coke Plant that causes my nose to burn and irritates my sinuses.
15. I am very concerned about the long-term impact that the Coke Plant's odors, green ovens, hazes, clouds, and plumes are having and will have on my health and my husband's health. In fact, I no longer allow my children and grandchildren to visit my property for more than 30 minutes because I do not want them exposed to the Coke Plant pollution. I fear that my exposure and my families' exposure to past, present, and ongoing pollution from the Coke Plant may cause cancer or some other disease. I am worried about my and my family's health.
16. The haze, clouds, and plumes from the Coke Plant carry along with them, and leave behind, black deposits that have coated nearly every surface of my property, including my pet goats. The deposits are visible on the house siding, inside my enclosed porch, window ledges, railings, cars, gutters and roof, hay shed, and grass.
17. The black deposits are present on my property nearly every day, all year long. Cleaning has become a near daily effort, although I have recently given up trying to keep the outside of the house and the porch clean. No matter how hard I scrub, the black deposits will not come off my cars.
18. Neither Brian nor I ever gave the Coke Plant permission to use our land and property as a place to put or dump waste material.
19. Attachments C, D, and E are photographs showing the Coke Plant's deposits on my property taken on April 19, 2017. **Attachment C** accurately shows deposits on my white car and a wipe after I wiped off the car. The wipe did not remove the deposits. **Attachment D** accurately shows deposits covering the siding on my house. This wall is located inside the enclosed porch. **Attachment E** accurately shows deposits covering the siding on my house. This side of the house faces away from the Coke Plant.
20. The black deposits, odors, fumes, and clouds from the Coke Plant have caused us to sharply decrease the amount of time we spend outside. We hardly ever sit in the enclosed porch. We no longer cook outside or enjoy bonfires. The odor clouds make completing outdoor chores or yardwork much more difficult, due to the need to avoid pollution clouds.

21. The black deposits, odors, fumes, and clouds from the Coke Plant forced me to stop hanging laundry outside. I have also stopped maintaining my flower beds. I will not plant a garden this year, and we did not eat anything we grew last year because I am afraid to eat anything grown in this polluted air or in our polluted soil.
22. Because of the foul odors, I hardly open my windows or front door (inside my enclosed porch) anymore. If it were not for the Coke Plant, I would have my windows and front door open every day in the warmer months because I love fresh air circulating through the house. Nearly every time I open the windows and/or door, odors and clouds from the Coke Plant come inside the house, and I have to rush around slamming everything shut to keep out the odors. Even with the windows closed, especially foul odors still get in. The black deposits from the Coke Plant are impossible to keep out of the house. I am unable to keep my house clean anymore.
23. The black deposits have invaded the shed where I keep hay for my 3 pet goats and have covered the hay. The black deposits accumulate on my goats, making my white goat look dingy, and my hands turn black when I pet them. I am concerned for the goats' health because they eat the deposits coating the hay and they suffer from eye irritation and constantly have runny noses.
24. The Coke Plant has largely forced me to reduce all the outdoor recreational activities on my property that used to make me happy.
25. The odors, deposits, plumes, haze, and other Coke Plant releases have devalued our property and caused our quality of life to deteriorate. The constant mess created by the Coke Plant is so overwhelming, I cannot keep up.
26. The hazes, clouds, plumes, and foul odors from the Coke Plant have made me no longer feel safe in my home or on my property. I no longer trust the company that runs the Coke Plant. Every time I see or feel the physical effects of the pollution from the Coke Plant I worry that I will get a headache, a migraine, or vertigo. I worry about what I'm being exposed to and whether I should run inside to avoid pollution. I would like to walk barefoot on my property, but I cannot due to the Coke Plant's black deposits. I would like to have friends visit my home, but I often say no. I'm afraid they think I'm being rude, but I don't want them exposed. I would love to have my grandchildren spend the night, but I won't allow them to be exposed to the Coke Plant pollution for extended periods of time.

27. The intensity and frequency of the odors, deposits, plumes, haze, and other Coke Plant releases has gotten worse over the past two years or so.
28. Since November 16, 2017, I have been measuring PM_{2.5} concentrations in air on our property using *AirBeam* monitors following the procedures of an Air Monitoring Protocol developed by William M. Auberle, P.E., BCEE. **Attachment F** is a true and accurate copy of the protocol.
29. I have seen *AirBeam* measurements as high as 181 ug/m³ while monitoring, and I have frequently measured levels higher than 35 ug/m³. Not every pollution event I have experienced since November 2017 resulted in measurements because, for example, I do not always have the monitor on me or ready to record.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of July, 2018.



Mary Gannon

ATTACHMENT A



ATTACHMENT B



The faint outline of "stacks" are barely visible behind the smoke, as described in the declaration.

ATTACHMENT C



ATTACHMENT D



ATTACHMENT E



ATTACHMENT F



**AIR MONITORING PROTOCOL for MEASUREMENT of RESPIRABLE
PARTICULATE MATTER at RESIDENCES in FRANKLIN FURNACE, OHIO**

for

**D. David Altman Co., LPA
15 East 8th Street, Suite 200W
Cincinnati, OH 45202**

by

**EN3 Professionals, LLC
2532 N. 4th St., #610
Flagstaff, AZ 86004**

November 10, 2017

A handwritten signature in dark ink, appearing to read "W M Auberle".

William M. Auberle, P.E., BCEE, Principal

1.0 Purpose

This air monitoring protocol is designed for the specific purpose of assessing the concentrations of respirable particulate matter (PM_{2.5}) emitted from the SunCoke Energy facility, Hwy 52, Franklin Furnace, Ohio (SunCoke) as those emissions are transported in the atmosphere to the residential properties of the Gannon and Sampson families.

2.0 General Methodology

AirBeam monitors designed for measuring PM_{2.5} concentrations in air will be deployed by the Sampson and Gannon families, trained in the use of the monitors, to measure actual inhalation exposures at two properties. Measurements will be taken under two general conditions (a) at times when a resident at one or both residential properties visually perceives airborne particles (smoke, dust, fumes, etc) traveling from SunCoke toward the residence; and (b) at times when no visible or otherwise humanly detectable pollution is traveling from SunCoke toward the residential property, e.g. wind is not blowing from SunCoke toward the residence, no visible particulates are being emitted. Frequency and duration of measurements will be performed such that mass concentrations of PM_{2.5} can be compared under these two discrete scenarios. These scenarios will be referenced as SunCoke measurements (SM) and non-SunCoke measurements (NSM).

3.0 Locations

The residential properties of the Gannon and Sampson families are located at 2737A Back Road and 2737C Back Road, Franklin Furnace, Ohio, respectively. All air pollutant measurements are to be taken at a single site in the yard of each residence. Each of two measurement sites must be (a) at a minimum distance of fifty feet from any structure, and (b) at a point with minimal physical barriers in the line - of - sight to SunCoke. The actual location of each of the two points of measurement shall be identified by its coordinates -- either as latitude and longitude or Universal Transverse Mercator (UTM) and assigned a specific site identifier, e.g. "Gannon" or "G", "Sampson" or "S".

4.0 Measurement Schedule

4.1 Calendar

Measurements are expected to begin on or about November 20, 2017 and continue for approximately three months or longer if a more robust data set is warranted. The frequency of measurements will be determined by personal observations of the residents.

4.2 Frequency

Periods of SunCoke measurements (SM) will be determined by residents based on observations of visible air pollution traveling from SunCoke to the applicable residential

property. Similarly, periods for measurements of particles during NSM conditions will be based on observations of the residents.

4.3 Duration

All PM_{2.5} concentrations for both SM and NSM conditions will be sampled for a duration of ten minutes. Each data point will be expressed in the units "micrograms per cubic meter - 10 minutes" (ug/m³-10min). Discrete measurements of concentrations may be taken consecutively, i.e. 20 minutes = 2 values, 30 minutes = 3 values etc. No measurement periods may overlap. Additionally, the maximum value expressed in ug/m³ will be recorded during each 10 - minute monitoring period.

In order to consider other potential sources of PM_{2.5}, the measurement periods and resulting data points for NSM conditions shall be two times the number of measurement periods under SM conditions. That is, for each 10-minute SM sampling event, two 10-minute sampling events must occur during NSM conditions.

5.0 Measurement Instrumentation

All measurements (SM and NSM) will be taken using an *AirBeam* monitor. Instrument operation shall be in accordance with operating instructions of the manufacturer and are available at takingspace.org/aircasting/airbeam. Each 10-minute measurement shall be taken with the instrument held or mounted at approximately the shoulder height of the operator.

6.0 Instrument Performance/Calibration

Each *AirBeam* monitor shall be confirmed by a qualified independent entity for proper operation in accordance with manufacturer's specification prior to the monitoring period, i.e. on or about November 20, 2017. Upon completion of all measurements (on or about January 20, 2017), the same independent entity shall confirm that each monitor continues to perform in accordance with manufacturer's specifications.

7.0 Monitoring Personnel

Each person performing PM_{2.5} measurements shall do so in accordance with all elements of this air monitoring protocol. Included by reference is the instrument manufacturer's instructions for operation, care and maintenance.

8.0 Recording Data and Associated Information

A log describing each monitoring event shall be maintained for each residence. This information may be recorded in written or electronic form and must contain the following information for each event:

- Date
- Start Time
- End Time
- Site ID
- "SM" or "NSM"
- 10 min. average concentration
- Maximum concentration during 10 - minute event
- Weather conditions observed during event¹
- Other relevant observations
- I.D. of operator/recorder

9.0 Information Management

All data and documentation specified in this protocol shall be submitted to a central repository/reviewer. It is recommended that the reviewer examine submittals at least once per week throughout the monitoring period to assure that information flow is timely and complete. Corrective action should be taken as necessary.

¹ Descriptive adjectives may include "sunny", "cloudy", "rainy", "strong winds", "gentle breeze", "calm", etc.